IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 22961 of 2004

Between:

Adarsa Educational Society (Regd. No.512/93), Bukkapatnam Village & Mandal, Anantapur District,
Rep. by its Secretary P. Subrahmanyam s/o Nagappa, aged 38 years, R/o Bukkapatnam. **.... PETITIONER**

AND

1 The Regional Director,National Council for Teacher Education, (A Statutory Body of the Government of India) Southern Regional Committee, 1st Floor, CSD Buildings, HMT Post, Bangalore - 560 031.
2 Government of Andhra Pradesh, Rep. by its Principal Secretarty to Government , School Education Department, Secretariat Buildings at Hyderabad.
3 Commissioner & Director of School Education, Andhra Pradesh, at Hyderabad.
.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or direction preferably one in the nature of Writ of Mandamus, declaring the action of the respondents 2 and 3 in not considering the application of the Petitioner dated 25-9-2004 for the issue of No Objection Certificate/Endorsement for production of same before the1st respondent for the grant of Recognition/Permission for commencement of Institution with D.Ed Course at Bukkapatnam Village and Mandal, Anantapur District, as arbitrary, illegal and unjust and consequently direct the respondents 2 and 3 to consider and dispose of the said application while directing the1st respondent to consider the application of the Petitioner for the grant Recognition/Permission for commencement of the said Institution for the year 2005-2006 , pending issuance of NOC/Endorsement by the 2nd respondent forthwith; and pass such other or further orders

Counsel for the Petitioner:MR.E.MARUTHI RAJA

Counsel for Respondent No.1 : Mr.B.Adinarayana Rao

Counsel for Respondent Nos. 2 & 3s.: GP FOR SCHOOL EDUCATION

The Court at the stage of admission made the following order:

WRIT PETITION NO. 22961 OF 2004

ORDER:

The petitioner claims to be a society registered under the provisions of the societies Registration Act XXI of 1860 with Regd No.512 of 1993, with an object to run the educational institutions in Anantapur area. The petitioner society intends to commence new institution with D.Ed course at Bukkapatnam and acquired Ac.5-00 of land and also entered into building lease for that purpose. That the petitioner society made an application to the first respondent and in turn vide letter dated 20/25—8-2004 the petitioner was directed to comply with certain requirements and informed that if such requirements are complied with before 31st December, 2004, its application would be considered for the academic year 2005-06. Pursuant thereof, the petitioner society made a representation dated 25-9-2004 to respondents 2 and 3 to issue necessary "No objection Certificate" as per National Council for Teacher Education Regulations. The grievance of the petitioner is that it has complied with all other requirements except the No objection Certificate from respondents 2 and 3 and the last date for submission is 31-12-2004 and in the absence of No Objection Certificate, it's application for permission to commence the D.Ed course will not be considered by the first respondent. Hence, the present writ petition.

Learned counsel for petitioner submitted that after complying with the requirements to commence the D.Ed Course, the petitioner has made an application to respondents 2 and 3 for issuance of "No objection certificate" on 25-9-2004 and till date no orders were passed on the same and the same is still pending. It is also submitted that the respondents may atleast inform the reasons for not considering the application of the petitioner.

Learned Government Pleader for Education on instructions submitted that as on today no notification was issued inviting applications for issuance of "No Objection Certificate".

Since the Government Pleader on instructions submitted that no notification is

issued as on date and application of the petitioner is pending consideration, without going into the merits of the matter, I deem it appropriate to dispose of the writ petition with a direction to the second respondent to consider and dispose of the application of the petitioner in accordance with law within 10 days from the date of receipt of copy of this order. In case, the application of the petitioner is rejected, the second respondent is directed to communicate the reasons for the same. No costs.

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N.V.RAMANA,J

20-12-2004

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To

1.. The Regional Director,National Council for Teacher Education,

(A Statutory Body of the Government of India) Southern Regional Committee, 1st Floor, CSD Buildings, HMT Post, Bangalore - 560 031.
2.The Principal Secretary to Government,

Government of Andhra Pradesh, , School Education Department, Secretariat Buildings at Hyderabad.
3 The Commissioner & Director of School Education, Andhra Pradesh, at Hyderabad.

4.2CCs to the G.P. For School Education, High Court of A.P. Buildings, Hyderabad (OUT)

5.2CD copies

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